IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

Bail Appl..No. 4230 of 2007()

CRIME NO.199/07 OF THE IDUKKI POLICE STATION

.....

PETITIONER/ACCUSED NO.1

T.N.SASI, AGED 55, S/O.VELU NARAYANAN,
THANNIKUZHIYIL HOUSE, VANNAPURAM VILLAGE,
KALIYAR KARA, IDUKKI DISTRICT.

BY ADV. SRI.RENJITH B.MARAR
SRI.PRABHU VIJAYAKUMAR

RESPONDENTS:

THE SUB INSPECTOR OF POLICE,
IDUKKI POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4230 of 2007

Dated this the 12th day of July 2007

O R D E R

Application for anticipatory bail. The petitioner is the first accused. He faces allegations under Section 379 I.P.C. Crime has been registered. Investigation is in progress. He apprehends imminent arrest.

2. The crux of the allegations against the petitioner is that the defacto complainant, who has undertaken the work of construction of a conference hall at Idukki Collectorate, was unable to complete the work and entrusted the work to the petitioner. The petitioner agreed to do the work. But he suffered a heart attack and could not complete the work undertaken. The defacto complainant, hence had to make arrangements to complete the work, on his own. After the petitioner returned from his treatment, there was some dispute between the parties about the articles which each had brought to the work site. That dispute could not be resolved. Ultimately, the defacto complainant filed a complaint on the basis of which a

crime has been registered. The petitioner has already been questioned and on the basis of the clues received from him, recoveries have been effected of some of the articles. Some more articles have to be traced.

3. The learned counsel for the petitioner prays, the learned Public Prosecutor does not seriously oppose the said prayer and I am satisfied that in the circumstances explained above, directions under Section 438 Cr.P.C can be issued in favour of the petitioner.

4. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 19/7/2007.

ii) He shall be released on regular bail on condition that he executes a bond for Rs.50,000/-(Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m

and 3 p.m on 20/07/2007 and 21/07/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of two months. Subsequently the petitioner shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he were arrested prior to 19/7/2007, he shall be released on bail on his executing a bond for Rs.50,000/- (Rupees fifty thousand only) without any sureties, undertaking to appear before the learned Magistrate on 19/7/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007